

McH. 125; *Murray v. Ridley*, 3 *H. & McH.* 171. (b); and it has been expressly declared, that all lands and tenements belonging to any public debtor, after the commencement * of suit against him, shall be liable to execution in whatever hands **447**

(b) *BIRCHFIELD FOR THE KING v. BROWN*.—This bill was filed in the year 1713 by Maurice Birchfield, surveyor-general of the southern district of America, for and on behalf of the king against Joseph Brown, Margaret Brown, Richard Bennett and Richard Smith, the representatives and debtors of Peregrine Brown, late of London, merchant, to recover a debt due from the deceased to the crown. The case standing ready for hearing was brought before the Court.

HART, C., 9th October, 1716.—Decreed, that the several tracts of land hereafter mentioned be sold towards satisfying and paying his sacred majesty King George the debt in the bill mentioned to be due from the deceased Peregrine Brown; and that the sale may be made to the best advantage, notice be given of such sale to begin the 28th day of April next, and to continue till the 20th of May following. And that every purchaser of the same, or any part thereof, shall have, hold, and enjoy the same to him, or them, by a good and perfect estate in fee simple, in such manner as if the said Peregrine Brown had conveyed the same according to the exigence of the law, viz: Turkey Point, one thousand acres in Cecil County, &c. &c.

After which the case was again brought before the Court under other circumstances.

HART, C., 3d September, 1717.—Ordered, that the persons discovered to be debtors to the estate of Peregrine Brown, deceased, particularly James Frisby and Peter Carmack, be made parties to the bill filed in this Court by Maurice Birchfield on behalf of the crown against Joseph and Margaret Brown and others. And that the personal estate and several debts due to Peregrine Brown, and mentioned in the answer of Richard Bennett and Joseph Brown, be liable to the demand of the crown in such manner as they would be to Peregrine Brown.

Some time after Peter Carmack, who, with others, had, by a separate bill, been made a party, put in his answer thereto, in which, among other things, he stated, that the matter in controversy had been referred to the arbitration of certain persons, who had made an award thereupon discharging him: upon which award he relied.

TILGHMAN, C., 13th July, 1723.—It seems, that Maurice Birchfield negotiated the affair with Carmack, by way of arbitration, and was fully apprised of the state of the accounts betwixt Brown and Carmack, and seemed well satisfied therewith and with the award, and that Peregrine Brown was considerably in his, the said Carmack's, debt. And it also seems, that Birchfield sues not in such manner as to entitle himself to the advantages due to the prerogative, nor agreeable to the statute of the thirty-third of Henry the eighth, chapter thirty-ninth, but rather as a common person, or assignee of a common person. It is therefore adjudged, ordered, and decreed, that the bill of complaint of the said Maurice Birchfield be dismissed, and that the said Maurice satisfy and pay unto the said Peter Carmack, — pounds of tobacco for his costs sustained by reason of his unjust vexation in this